



**FARMERS
BRANCH**

ORDINANCE NO. 3187

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT AND FOR BANQUET HALL FOR A PORTION OF BLOCK E, METROPOLITAN BUSINESS PARK SECTION ONE, CITY OF FARMERS BRANCH, DESCRIBED IN EXHIBIT "A" HERETO (COMMONLY KNOWN AS 4241 SIGMA ROAD, FARMERS BRANCH, TEXAS) WHICH IS PRESENTLY LOCATED IN A LIGHT INDUSTRIAL ("LI") ZONING DISTRICT; PROVIDING FOR THE APPROVAL OF THE SITE PLAN; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit for the On-Premise Sale and Consumption of Alcoholic Beverages Within a Qualifying Restaurant and a Banquet Hall for property within a Light Industrial ("LI") zoning district, said property being commonly known as 4241 Sigma Road, Farmers Branch, Texas, and being more particularly described in Exhibit "A", attached hereto and incorporated herein by reference ("the Property").

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within the Light Industrial ("LI") zoning district, and if used and developed in accordance with the purposes for which this Specific Use Permit is granted, the Property shall be developed in accordance with the following special conditions:

- A. The sale of alcoholic beverages shall at all times be in full compliance with all requirements of laws and regulations of the State of Texas and the City of Farmers Branch Comprehensive Zoning Ordinance, as amended, relative to such use;
- B. The Property shall be developed and used only in accordance with the Site Plan attached hereto as Exhibit "B," and incorporated herein by reference, which is hereby approved; provided, however, modifications to the floor plan as set forth in Exhibit "B" may be made if approved by the City Manager or Director of Planning and such modifications do not cumulatively result in more than a 10% change in the floor area of the Banquet Hall area;
- C. The sales and service of alcoholic beverages on the Property shall at all times be in conformance with the Alcohol Awareness Program set forth in Exhibit "C," attached hereto and incorporated by reference; and
- D. Events held at the Banquet Hall facility shall not commence earlier than 5:00 p.m. and or end not later than 12:00 midnight on any day of the week.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning

Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

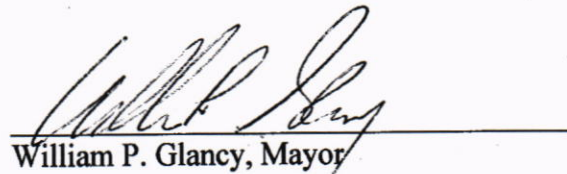
SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 19th DAY OF JUNE, 2012.**

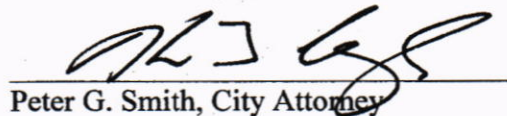
ATTEST:

APPROVED:


Angela Kelly, City Secretary


William P. Glancy, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney

Ordinance No. 3187
EXHIBIT "A" - Property Description

BEING a 34,788 square foot or 0.7986 acre tract of land situated in the Elisha Fike Survey, Abstract No. 478, City of Farmers Branch, Dallas County, Texas, and being part of Block E of Metropolitan Business Park. Section One, an addition to the City of Farmers Branch, Dallas County, Texas, according to the map thereof recorded in Volume 68194, Page 1210, Deed Records of Dallas County, Texas, said tract conveyed to Victoria A. Davis by deed recorded in Volume 90239, Page 3695, Deed Records, Dallas County, Texas and being more particularly described as follows;

BEGINNING at a found 1/2 inch iron rod for a corner in the north line of Sigma Road (a 60 foot right of way), said point being the common south corner of the said Davis tract and a tract of land conveyed to Laborers National Pension Fund by deed recorded in Volume 70196, Page 1608, Deed Records of Dallas County, Texas, and said point being a distance of 610.23 feet along the north and northwest line of Sigma Road from the intersection of the north line of Sigma Road with the east line of Midway Road (a 100 foot right of way);

THENCE North 00 degrees 47 minutes 21 seconds West, departing the north line of Sigma Road, a distance of 192.04 feet to a found 1/2 inch iron rod for a corner in the north line of said Block E;

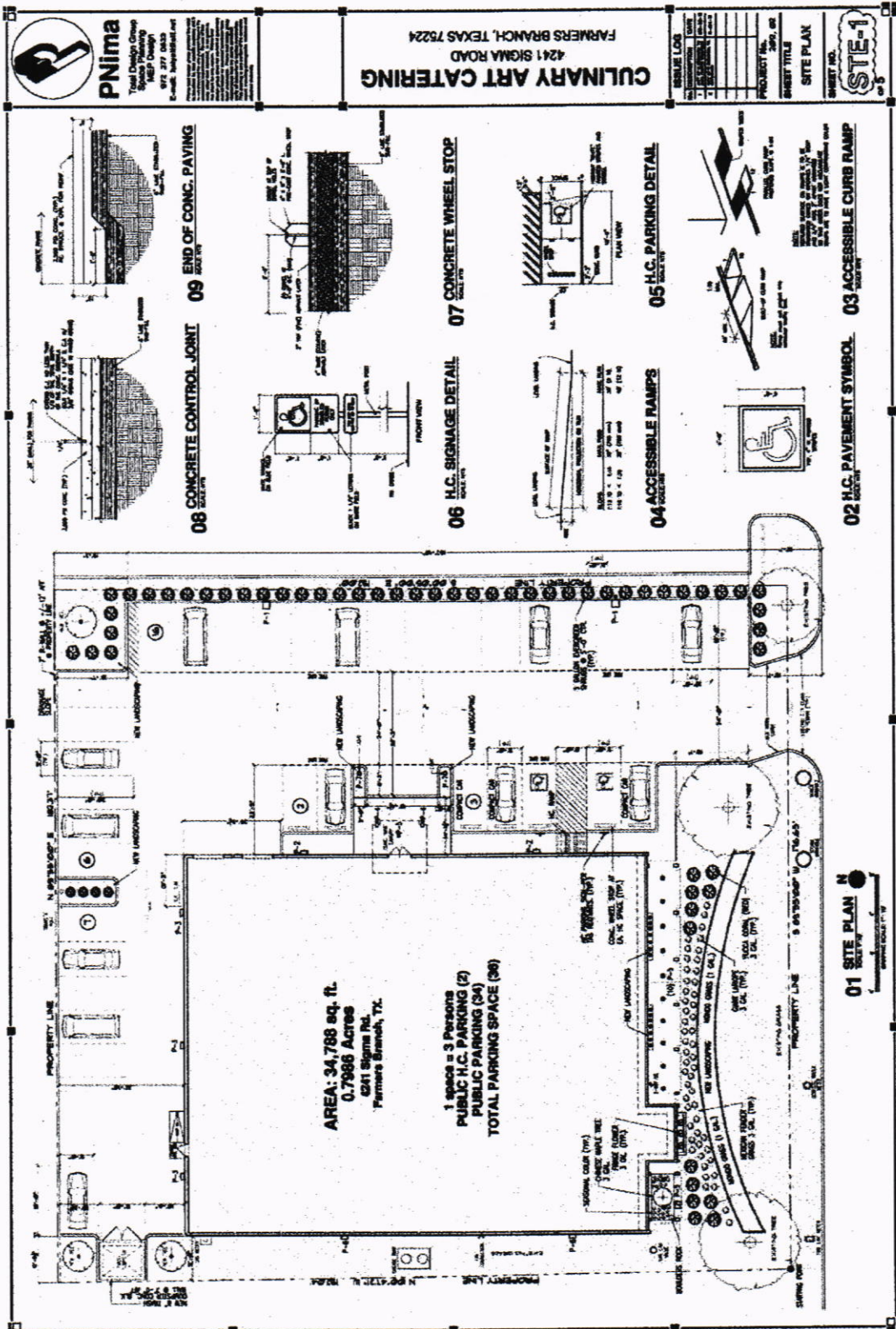
THENCE North 89 degrees 55 minutes 00 seconds East, with the north line of said Block E, a distance of 182.37 feet to a found 1/2 inch iron rod for a corner, said point being South 89 degrees 55 minutes 00 seconds West, a distance of 29.56 feet from the northeast corner of said Block E and said point being the northwest corner of a tract of land conveyed to Jeff Yassai and Sayed Hadar Yassai by deed recorded in Volume 91195, Page 891, Deed Records of Dallas County, Texas;

THENCE South 00 degrees 05 minutes 00 seconds East, a distance of 192.00 feet to a found 1/2 inch iron rod for a corner in the north line of Sigma Road;

THENCE South 89 degrees 55 minutes 00 seconds West, with the north line of Sigma Road, a distance of 176.65 feet to a found 1/2 inch iron rod at the beginning of a tangent curve to the left with a central angle of 00 degrees 42 minutes 21 seconds, a radius of 271.92 feet, and a chord bearing South 89 degrees 33 minutes 49 seconds West and a chord a distance of 3.35 feet;

THENCE Southwesterly, continuing with the north line of Sigma Road and along said curve, an arc distance of 3.35 feet to the Point of Beginning.

Ordinance No. 3187
EXHIBIT "B" - Site Plan



**Banquet Room
Maximum Capacity
108 persons**

SAMPLE ROOM WILL MEET OR ORDER.
ALL FINE CODE REQUIREMENTS FOR MAX.
OF 17% GUESTS.

**PORTABLE
RADIO STATION**

Ordinance No. 3187
EXHIBIT "C" - Alcohol Awareness Program

(CULINARY ART CATERING

CULINARY ART CATERING ALCOHOL SERVICE POLICY:

1. Culinary Art Catering requires all service staff, bartenders and managers to attend and successfully complete a TABC approved Seller Training Program
2. Culinary Art Catering requires all service staff, bartenders and managers to successfully complete the written examination at the conclusion of the TABC approved Seller Training Program and keep a current certification on file with Culinary Art Catering.
3. Culinary Art Catering will enlist the services of an off duty Farmers Branch police officer to serve as additional security for any event where alcohol is being served.
4. Only authorized Culinary Art Catering staff will have access to the bar area
5. No "self service" bars would be allowed for any event.
6. Service staff will not circulate around any event refilling alcoholic beverages
7. Culinary Art Catering will always have non-alcoholic beverage options available for guests when alcohol is being served at an event.
8. All alcoholic service would cease no later than 20 minutes prior to the event end time.
9. Food items must always be offered at any event serving alcoholic beverages. Absolutely no events will be held with only alcohol consumption.
10. In consideration of TABC laws and regulations, no one under the age of 21 years old will be served alcohol. A legal photo I.D. will be required to verify age of patron. (i.e. Texas Drivers License, Passport or State Issued I.D.)
11. Culinary Art Catering will abide by the Texas Alcoholic Beverage Code and Texas Penal Code
12. All Culinary Art Catering employees who directly or indirectly handle alcoholic beverages will be at least 18 years old.
13. Culinary Art Catering will call a cab to transport any person who is or is believed to be intoxicated.
14. Any unlawful acts will be reported to the police department
15. Culinary Art Catering gross sale of food shall be at least 70 % of the gross sales for each quarterly reporting period.
16. Culinary Art Catering will maintain and exhibit a current liquor license.
17. Culinary Art Catering will NOT advertise or offer "drink specials" at any time. All bar packages for events will be purchased by the host prior to the event.
18. Alcoholic beverages will only be consumed in the designated "ballroom" space of the location. No alcoholic beverages will be allowed to be removed from the premises by the client nor will any alcoholic beverages be allowed to be consumed in the exterior areas of the building.
19. Culinary Art Catering will NOT offer sales of alcoholic beverages to customers who walk in to the establishment as a restaurant establishment would. All alcoholic beverage sales would be pre-ordered prior to a specific event.